

# Proposed Water Management Rule



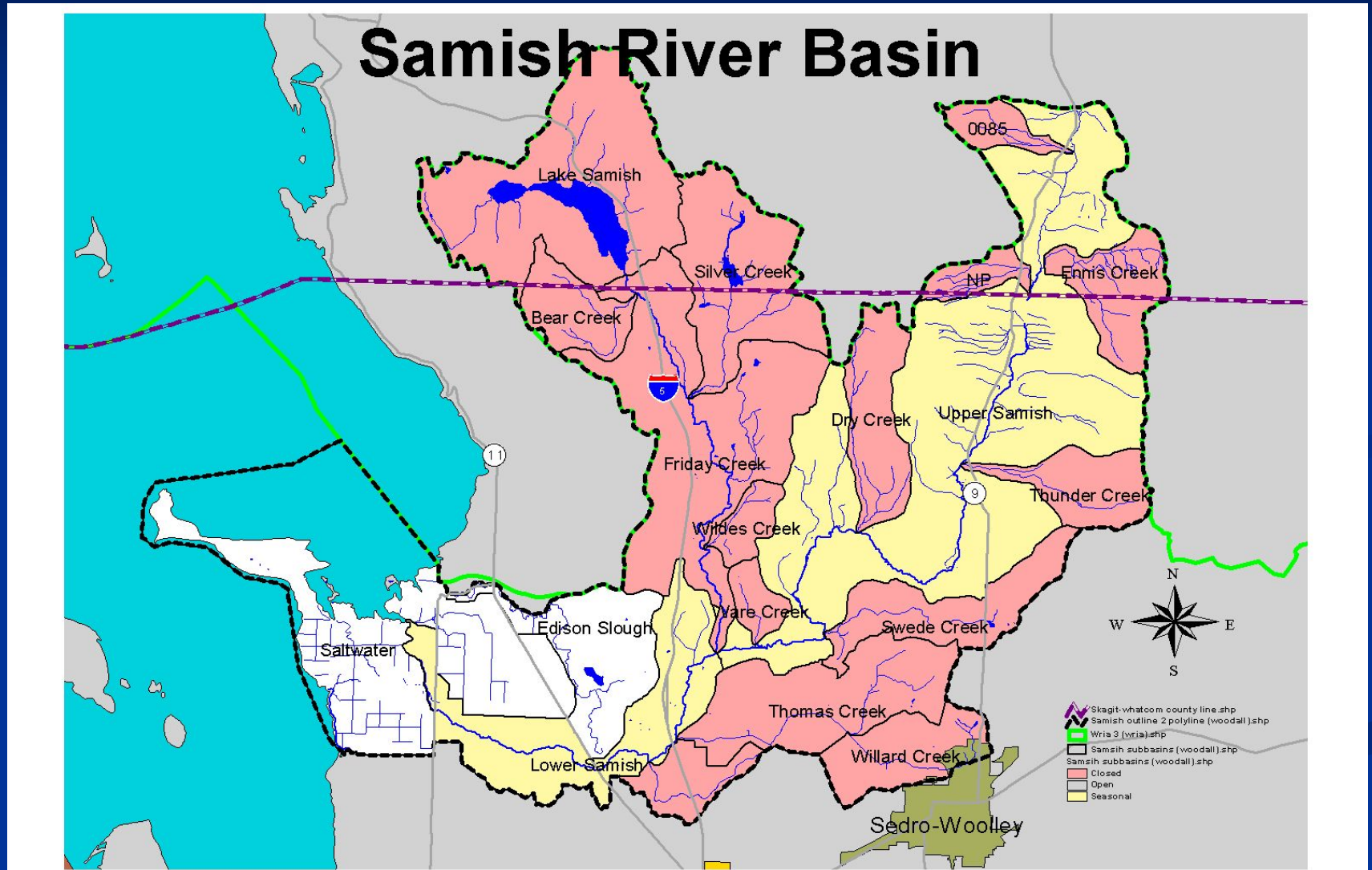
WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y

## Samish Watershed

# Samish River Basin from I-5 – Nov 25, 2004



# Samish Basin



# Why Are We Here Tonight?

- 💧 Introduce & discuss ideas for the proposed Samish River Water Management Rule:
  - ✓ Share our ideas
  - ✓ Hear your ideas
  - ✓ Discuss issues & features of proposal
  - ✓ Explain rule-development process
- 💧 Ecology has not yet made a formal rule proposal.
- 💧 Ecology holding separate meetings on water management/instream flow rules in other river basins.

# Why is water management in the Samish important?

- 💧 Water is a finite resource.
- 💧 The Samish river provides water for fish, recreation, quality of life, etc.
- 💧 People who live here need safe, reliable water supplies.
- 💧 Demand for the water in the Samish is increasing
- 💧 All of us must work together so we have water now – and into the future.



# Finding Solutions in the Samish

- Public open house/meeting is part of public process.
- Citizens in the watershed have a say in how future water supplies will be managed in the Samish River basin.



# What is an instream flow rule

💧 Ecology is required under state law to establish state water-management rules that protect and preserve:

- ✓ Fish
- ✓ Wildlife
- ✓ Recreation
- ✓ Navigation
- ✓ Aesthetics
- ✓ Water quality
- ✓ Livestock watering

# Stream Flows and “Instream Flows”

- 💧 A *stream flow* is the total amount of water you see flowing in a river or stream at any particular time.
- 💧 An “*instream flow*” is an amount of water that’s needed in a stream to protect and preserve resources that depend on flows.



# What Does an Instream Flow Rule Do?

- 💧 A regulatory instream flow is used to limit future water use when actual stream flows drop below flows described by state rule.
- 💧 An instream flow is like a water right – existing water-right holders are “senior” to the instream flow rule and not regulated.
- 💧 New water-right holders are junior to the flow rule and subject to interruption when instream flows are not met.

# **An Instream Flow Does Not:**

- 💧 **Affect existing or “senior” water rights.**
- 💧 **Affect existing small wells**
- 💧 **Require people to put water back into streams.**
- 💧 **Guarantee that water will be in a stream.**
- 💧 **Move forward without public involvement.**

# Background

- 💧 **1999** – Watershed planning initiated by local governments to develop an instream-flow rule and water management plan.
- 💧 **2001** – Studies of Samish Basin completed.
- 💧 **2003** – Instream-flow recommendation and water management plan developed.
- 💧 **Dec. 2003** – Planning group does not reach agreement on flow recommendation; watershed planning stops.

# Background, Cont.

- 💧 State investment  $\approx$  \$1.5 million.
- 💧 County financial investment.
- 💧 Local investment – 5 years of volunteer and staff time.
- 💧 Since former watershed planning group did not recommend an instream flow, Ecology is responsible for adopting instream flows for the basin.
- 💧 This is an Ecology action - - the watershed planning group is not developing the rule.

# Goals for the Samish Rule

- 💧 Protect resources -- fish, wildlife, recreation, livestock watering, etc.
- 💧 Reserve safe, reliable domestic water supply for the future.
- 💧 Provide clear paths for future water supplies in the Samish basin.

# Goals - Continued

- 💧 When goals are competing (especially when summer flows are low), satisfy both needs as much as possible.

Protect in-stream resources



Safe reliable water supply for the future



# Proposed features to protect in-stream resources



- 💧 Instream flows established for 17 creeks and Samish River:
  - ✓ Based on modeling of potential salmon habitat
  - ✓ Adjusted to reflect historic natural flows
- 💧 Upper limit on water allocations during winter to protect high flows

# Proposed features to protect in-stream resources, cont.

- 💧 Predefined options for future water sources:
  - ✓ Only options specified in the proposed rule would be available for future water source development.
  - ✓ Samish Basin closed to other options.
- 💧 Protect lakes and ponds.

# Proposed Features for Future Water Uses



- 💧 Reserve specific amount of underground or “ground water” for limited, future uses for people.
- 💧 Provide limited water for grazing livestock.
- 💧 Clarify future water-permitting actions.
- 💧 Provisions for Lake Samish.

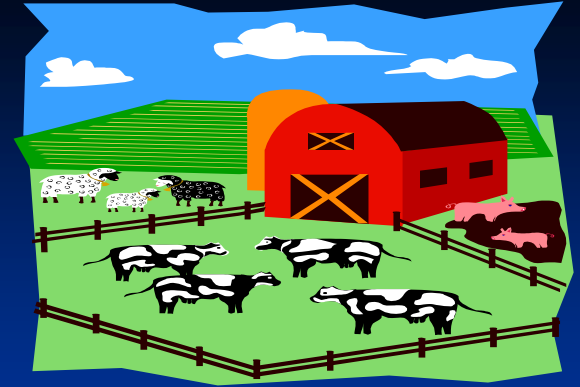
# Samish Groundwater Reserve

- 💧 Reserve 646,000 gallons per day for small wells to serve:
  - ✓ *In-home uses* – Drinking, cooking, cleaning, bathing & watering small gardens.
  - ✓ *Minor uses by business* – Sinks, toilets, showers, etc.
- 💧 Could serve between 2,000 to 4,000 homes.
- 💧 Reserved water would not be available if people have access to public water supplies.

# Samish Groundwater Reserve, Cont

- 💧 Those eligible for the reserve would be:
  - ✓ Exempt from state water right requirements.
  - ✓ Required to curtail lawn watering when flows drop below adopted instream flows.
  - ✓ Required to follow state requirements for water-saving plumbing fixtures
- 💧 Skagit and Whatcom counties would be required to share in administration of the reservation.

# Livestock Reserve



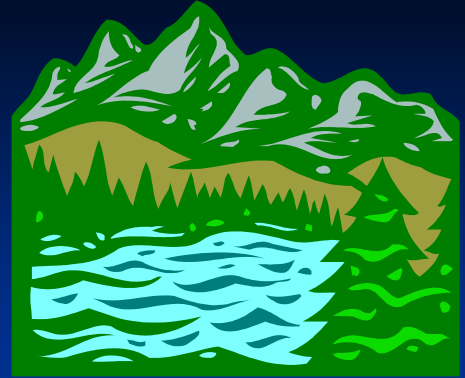
- 💧 Ecology is proposing to reserve a small amount of water a day for future livestock watering.
- 💧 No water permit would be required for grazing livestock.
- 💧 Reserve could not be used for feedlots or other large concentrated animal feeding operations such as dairies, poultry operations, etc.



# Future Water Right Permitting

- 💧 Proposed water uses not eligible for the reservation would require a water right.
- 💧 Water rights could be issued when:
  - ✓ Effects on instream flows are fully offset by another source of water (mitigation).
  - ✓ Water source can be used without affecting instream flows.
  - ✓ Proposed use can be satisfied with interruptible supply of water.

# Lake Samish



## 💧 Continue existing Lake Samish management approach:

- ✓ Ground and surface water withdrawals not subject to instream flows.
- ✓ All users would be required to join the lake management district.
- ✓ Lake management district would continue to maintain at least 2 cubic feet per second discharge into Friday Creek headwaters.

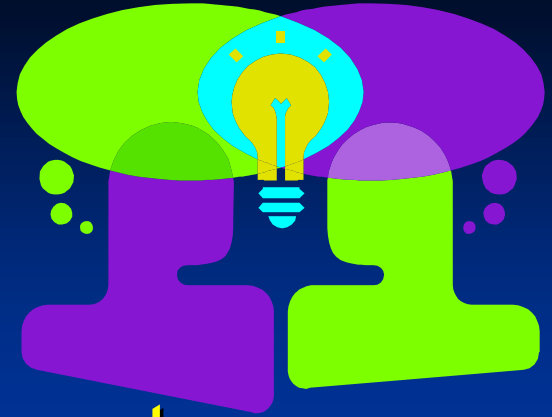
# Samish Rule Schedule

- 💧 **November/December** – propose concepts, consultations, conduct workshop.
- 💧 **December/January** – final proposed rule language as well as economic & environmental analysis.
- 💧 **Early 2005** – proposed rule introduced, coupled with formal public hearings.
- 💧 **Mid 2005** – final rule.

# **When we formally propose the rule:**

- 💧 Formal public hearings
- 💧 Formal public comment period
- 💧 Formal Ecology response to comments
- 💧 Environmental Review (under State Environmental Policy Act)
- 💧 Small Business Economic Impact Statement
- 💧 Cost-Benefit Analysis

# What we are seeking tonight



- 💧 Comments on described concepts.
- 💧 Ideas that ought to be in the proposed rule that we may have missed.
- 💧 Areas where further explanation is needed.
- 💧 Analysis that should be done to understand effects of proposed rule.

# Comments and More Information

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💧 <http://www.ecy.wa.gov/programs/wr/instream-flows/samishbasin.html>